

IN THE CLAIMS

Claim 1, line 9, delete "including and insert --add--.

Claim 1, line 13, after "thereof" and /--in a plane parallel to the width of the paper

roll--.

REMARKS

Reconsideration of this application is requested.

The drawings were objected to under 37 C.F.R. § 1.83(a) since the drawings do not recite the spring set forth in claim 3. The torsion spring referred to at page 8 is specified as to how it works and to what piece it is connected. Therefore, we are enclosing a marked-up drawing in red to show the addition of the torsion spring referred to on page 8, lines 16-17, which have been amended accordingly..

The Examiner objected to the disclosure because of an apparent misnumbering on page 15, line 25, and page 16, line 7. These incorrect numbers references have been changed by amendment to the specification.

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, because in the Examiner's opinion, the reference to drive means including actuator means is confusing. This informality has been corrected by deleting the word including and insert the word and therefor. It is believed that the claims are now definite within the meaning of §112.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious in view of the Canadian patent 2,060,799 issued to Chudek et al. In the Examiner's opinion, the actuator means 18 extends for more than half the distance along the side of the housing. The Examiner is mistaken. However, in order to clarify the direction in which the actuator extends, claim 1 has been amended more positively to recite the direction of the housing in which the actuator extends. Further, the claim calls for the actuator to extend outwardly of said housing, whereas the actuator 18 does not extend outwardly of the housing 16 in the Canadian patent.

The Examiner gratuitously suggested that if it is argued that the actuator means of the Canadian patent does not extend across "substantially the entire housing", then it would have been an obvious matter of design choice to provide such an actuator. The Examiner is incorrect. First of all, there is no suggestion whatsoever in the Canadian patent of providing an actuator which extends outside of the housing and substantially across the entire housing. Moreover, the construction disclosed in the Canadian patent would not operate with such a modification unless a significant redesign was made. Additionally, by providing an actuator as specified in the subject invention, new functions not available in the Canadian patent are provided by the subject invention. Specifically, both right and left handed people can easily reach out directly in front of them while facing the cabinet and actuate the mechanism and the mechanism of the subject invention complies with the ADA limit of 5 psi. These features are clearly important parts of the invention since they are set forth in the summary invention as

objects of the invention. The Examiner cannot use the teaching of the subject invention in order to modify a reference in a manner nowhere suggested by the reference. Accordingly, the Examiner is requested to withdraw the rejection under 35 U.S.C. §102(b).

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Grunwald U.S. patent no. 2,149,088. The Examiner is simply incorrect in the statement of what the Grunwald patent shows. There is no suggestion that the actuator mechanism 35 extends across substantially the entire width of the housing as is now required by the claims. Moreover, the actuator bar of the present invention is defined as extending across substantially the entire housing at the bottom thereof in a plane parallel to the width of the paper roll. This is not a structure replicated or suggested by the Grunwald dispensing apparatus. In order to operate the mechanism of the Grunwald patent, the paper has to exit the top middle portion of the cabinet to allow for the movement of the actuating means. Accordingly, it is respectfully suggested that the Examiner is incorrect in the application of the Grunwald patent to the claims at issue.

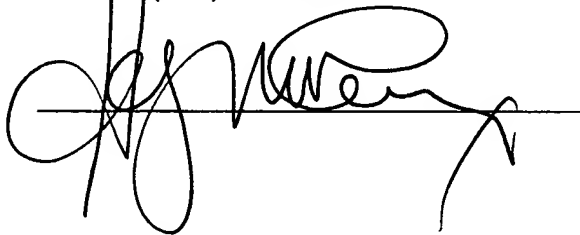
Copies of the drawings marked in "red" with suggested changes are enclosed herewith. If the Examiner approves of the suggested changes, the drawings will be amended to conform accordingly.

For the foregoing reasons, it is respectfully suggested that the claims of this application as amended, are drawn to patentable subject matter and the allowance thereof is requested.

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Respectfully submitted,

Harry M. Levy
Emrich & Dithmar
300 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Phone: (312)-663-9800

A handwritten signature in black ink, appearing to read "H. M. Levy", is written over a horizontal line.